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22 UNITED STATES DISTRICT COURT
23 FOR THE NORTHERN DISTRICT OF CALIFORNIA

24 PENSION TRUST FUND FOR OPERATING
25 ENGINEERS, et al.,

26 Plaintiffs,

27 vs.

28 TRACTOR EQUIPMENT SALES, INC., a
California corporation, et al.,

Defendants.

CASE NO. CV 12-1056 WHO

RELATED TO

CASE NO. CV 13-3703 WHO

**STIPULATION AND JOINT REQUEST
TO CONTINUE PRETRIAL
CONFERENCE AND TRIAL PENDING
RULING ON DISPOSITIVE MOTIONS;
ORDER THEREON**

AUTOMOTIVE INDUSTRIES PENSION
TRUST FUND, et al.,

Plaintiffs,

v.

TRACTOR EQUIPMENT SALES, INC., a
California corporation, et al.,

Defendants.

Trial Date: November 19, 2014

**STIP AND JOINT REQUEST TO CONTINUE TRIAL; ORDER
RELATED CASE NOS. CV 12-1056 AND 13-3703 WHO**

On September 3, 2014, the Court heard the parties' cross-motions for summary judgment in these related cases. The motions are pending before the Court. The current schedule for the case requires the parties to make their pretrial submissions by October 20, 2014, 14 days in advance of the pretrial conference scheduled for November 3, 2014, with a bench trial to follow on November 19, 2014. The existing dates of the pretrial conference and trial were set in the Court's Civil Pretrial Order entered on November 14, 2013 (Dkt. No. 54 in Case No. 12-cv-1056 and Dkt. No. 19 in Case No. 13-cv-3703) and have not previously been continued.

Because the parties expect that the Court's rulings on the pending motions will likely narrow the issues for trial if it does not dispose of the cases altogether, the parties have conferred and agreed to request that the Court continue the dates of the pretrial conference and the trial for 90 days, or for such other period as the Court deems appropriate. The requested continuance would permit the parties to prepare for trial on the issues, if any, remaining to be tried after the motions are decided, rather than preparing for trial on all issues unnecessarily, and to estimate reliably the time that will be needed for trial.

The parties propose the following new dates:

February 16, 2015 at 2:00 p.m. – Pretrial conference

March 4, 2015 at 8:00 a.m. – Bench trial

Respectfully submitted,

Date: October 9, 2014

SALTZMAN & JOHNSON LAW CORPORATION

By: /S/ Anne M. Bevington
ANNE M. BEVINGTON
Attorneys for Plaintiffs

Date: October 9, 2014

FINE, BOGGS & PERKINS LLP

By: /S/ John P. Boggs
JOHN P. BOGGS
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CERTIFICATION RE SIGNATURES

I attest that concurrence in the filing of this document has been obtained from the other signatory.

Dated: October 9, 2014

/S/ Anne M. Bevington


Anne M. Bevington

ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, the Court VACATES the pretrial conference and trial. They will be reset in the event the pending motions do not resolve the case.

IT IS SO ORDERED.

Date: October 10, 2014



HON. WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE